

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 · Fax: (702) 892-0122

Annette W. Jarvis, Utah Bar No. 1649
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385
 Telephone: (801) 532-1500
 Facsimile: (801) 532-7543
 Email: ajarvis@rqn.com

E-FILED ON DECEMBER 15, 2006

and

Lenard E. Schwartzer
 Nevada Bar No. 0399
 Jeanette E. McPherson
 Nevada Bar No. 5423
 Schwartzer & McPherson Law Firm
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-mlaw.com
 Attorneys for Debtors

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos. BK-S-06-10725 LBR
 Case Nos. BK-S-06-10726 LBR
 Case Nos. BK-S-06-10727 LBR
 Case Nos. BK-S-06-10728 LBR
 Case Nos. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**DECLARATION IN SUPPORT OF
 EX PARTE APPLICATION FOR
 ORDER SHORTENING TIME
 REQUIRING DEL BUNCH TO
 APPEAR FOR EXAMINATION
 PURSUANT TO FED.R.BANK. P.
 2004**

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122

1 Jeanette E. McPherson, Esq. of Schwartzer & McPherson Law Firm, attorneys for USA
2 Commercial Mortgage Company, USA Capital Realty Advisors, LLC, USA Securities, LLC, USA
3 Capital First Trust Deed Fund, LLC and USA Capital Diversified Trust Deed Fund, Debtors-in-
4 Possession (collectively referred to as the “Debtors”), under penalties of perjury, hereby declares
5 that:

6 1. An Ex Parte Application For Order Approving Examination of Del Bunch Pursuant
7 To Fed.R.Bankr.P. 2004 (the “Application”) has been filed. This Application respectfully requests
8 that the Court direct Del Bunch (“Bunch”) to be examined under oath in relation to the following:

9 Acts, conduct or property of the Debtors, or to any matter which may affect the
10 administration of the Debtors’ estate; and acts, conduct, or property of the Debtors
11 that relate to the liabilities and financial condition of the Debtors, the source of any
money or property acquired or any other matter relevant to the case.

12 2. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

13 3. The Application is requested to be heard on shortened time because in connection
14 with the Debtors’ Confirmation Hearings, the Debtors need to question Bunch about his Proof of
15 Claim, as well as his Motion For Order Temporarily Allowing the Claim of Del And Ernestine
16 Bunch for Voting Purposes, which has been set to be heard on December 20, 2006.

17 Dated: December 15, 2006

18 /s/ Jeanette E. McPherson
19 Jeanette E. McPherson, Esq.
20
21
22
23
24
25
26
27
28